

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GARY J. WILEY and LINDA P. WILEY,)	3:05-CV-0579-RAM
)	
Plaintiffs,)	<u>ORDER</u>
)	
vs.)	
)	
VICTOR G. DRAKULICH, ESQ.,)	
)	
Defendant.)	

Defendant has filed a Motion for Attorney's Fees (Doc. #15). Plaintiffs have opposed the Motion (Doc. #18) and there has been no reply.

This case was brought by the Plaintiffs alleging a violation by the Defendant of the provisions of 15 U.S.C. § 1692(g). Based upon the split of authority concerning the correct interpretation of that statute and its application to attorneys and the fact that there was no controlling Ninth Circuit precedent, the court does not believe that Plaintiffs brought the case in bad faith nor to harass the Defendant. Under these circumstances an award of attorney's fees to the Defendant is not warranted.

IT IS HEREBY ORDERED that Defendant's Motion for Attorney's Fees (Doc. #15) is **DENIED**.

DATED: July 5, 2006.



UNITED STATES MAGISTRATE JUDGE